

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 21, 1944
10:30 A.M.

Council Chamber, City Hall

The meeting was called to order by Mayor Miller.

Roll call

Present : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf - 5

Absent : None

Present also: Walter E. Seaholm, Acting City Manager; J.E. Motheral, City Engineer; J. M. Patterson, Jr., Acting City Attorney; and R.D. Thorp, Chief of Police.

Councilman Wolf being present on a furlough, after several months of overseas duty as a Lieutenant in the United States Navy, was tendered the chair by Mayor Miller, and thereupon presided at the meeting.

The minutes of the Regular Meeting of September 14, 1944, were read; and on motion of Councilman Alford were adopted as read by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf .

Noes : None

The application of the MEXICAN INN, 700 East 6th Street, for a retailer's wine and beer license, duly approved by the Acting City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes : None

The application of JIMMIE MARTIN RATLIFF, 1001 Willow Street, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes : None

The application of SERGEANT OSCAR PERCIFIELD, JR., Bergstrom Field, for a taxicab driver's permit, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf

Noes : None

The application of HORACE WERTH PLATT, 300 Congress Avenue, for a license to operate as a taxicab a 1940 Model Chevrolet Sedan, 1942 License No. 187797. 1944 License No. FR3-630, to replace Taxicab Permit No. 68 cancelled by Louis Joseph, duly approved by the Acting City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf

Noes : None

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a private gasoline plant consisting of one 550 gallon tank and one gasoline pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, which property is owned by Ricks Transfer Company and is designated as Lots 5 and 6, Block 33 of the Original City of Austin, Travis County, Texas, and hereby authorizes the said Ricks Transfer Company to operate a private gasoline plant consisting of one 550 gallon tank and one gasoline pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Ricks Transfer Company has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations and ordinances.

(Recommendations)

"Austin, Texas
September 21, 1944

Mr. Walter E. Seaholm
Acting City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Ricks Transfer Company for permission to operate a private gasoline plant

consisting of a 550 gallon tank and one gasoline pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property designated as Lots 5 and 6, Block 33, of the Original City of Austin, Travis County, Texas, and locally known as 411 East 4th Street.

This property is located in a "C-2" Commercial District, and I recommend that this permit be granted subject to the following conditions:

(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the National Board of Fire Underwriters, and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

(2) That all pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

(3) That "NO SMOKING" signs shall at all times be prominently displayed, and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(4) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

/s/ J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf.

Noes : None

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. C. Lankford is the Contractor for the repainting of a building located at 117-123 West 8th Street, and desires a portion of the sidewalk space abutting the west part of Lot 7, Block 83, of the Original City of Austin, Travis County, Texas, during the repainting of the building, such space to be used in the work and for the storage of materials therefor; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. C. Lankford, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 8th Street to a point half-way between the property line and the south curb line of West 8th Street; thence in a westerly direction and parallel with the centerline of West 8th Street approximately 100 feet to a point; thence in a southerly direction and parallel with the centerline of Colorado Street and half-way between the west property line and the east curb line of Colorado Street approximately 46 feet to a point; thence in an easterly direction and at right angles to the centerline of Colorado Street to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. C. Lankford, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor will be permitted to move his scaffolding within the above described area as his work progresses and at all times to rope off the area immediately in use in order to protect pedestrians from any falling objects or paint.

(2) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment, and other obstructions shall be removed not later than September 30, 1944.

(3) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(4) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(5) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(6) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person

by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf

Noes: None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, R. H. Folmar, owner of property situated on the south side of Riverside Drive at a location east of South Congress Avenue, which property is a portion of the Isaac Decker League, and being situated within the City of Austin, Travis County, Texas, and being locally known as 211 Riverside Drive, has made application to the City Council of the City of Austin for permission to construct two (2) commercial driveways across the south sidewalk area of Riverside Drive at the above described location as shown upon the plan hereto attached marked 2-C-976, which plan is hereby made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT R. H. Folmar, owner of property situated on the south side of Riverside Drive at a location east of South Congress Avenue, which property is a portion of the Isaac Decker League and being situated within the City of Austin, Travis County, Texas, and being locally known as 211 Riverside Drive, is hereby permitted to construct two (2) commercial driveways across the south sidewalk area of Riverside Drive at the above described location, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan marked 2-C-976, which plan is hereby attached and made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf

Noes : None

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in EAST 14TH STREET from Coletto Street easterly to a point 20 feet east of Chestnut Avenue, the centerline of which gas main shall be 7-1/2 feet south of, and parallel to, the north property line of said East 14th Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (2) A gas main in CHESTNUT AVENUE from East 14th Street northerly 49 feet, the centerline of which gas main shall be 7-1/2 feet west of, and parallel to, the east property line of said Chestnut Avenue.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (3) A gas main in RED RIVER STREET from a point 69 feet north of East 51st Street northerly 129 feet, the centerline of which gas main shall be 18 feet east of, and parallel to, the west property line of said Red River Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (4) A gas main in AVENUE H from a point 177 feet south of East 43rd Street north to East 43rd Street, the centerline of which gas main shall be 18 feet west of, and parallel to, the east property line of said Avenue H.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (5) A gas main in MAUFRAIS STREET from a point 5 feet north of West 10th Street northerly 180 feet, the centerline of which gas main shall be 15 feet west of, and parallel to, the east property line of said Maufrais Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (6) A gas main in EAST 3RD STREET from a point 110 feet west of Attayas Street westerly 146 feet, the centerline of which gas main shall be 14 feet south of, and parallel to, the north property line of said East 3rd Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

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- (7) A gas main in NORTHWESTERN AVENUE from a point 57 feet north of Martha Street southerly 84 feet, the centerline of which gas main shall be 13-1/2 feet west of, and parallel to, the east property line of said Northwestern Avenue.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (8) A gas main in EAST 5TH STREET from Pleasant Valley Road west 250 feet, the centerline of which gas main shall be 13-1/3 feet north of, and parallel to, the south property line of said East 5th Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (9) A gas main in LAWSON LANE from Gregory Street north 94 feet, the centerline of which gas main shall be 2 feet west of, and parallel to, the east property line of said Lawson Lane.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (10) A gas main in SALINA STREET from a point 497 feet north of East 11th Street southerly 38 feet, the centerline of which gas main shall be 6-1/2 feet west of, and parallel to, the east property line of said Salina Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

- (11) A gas main in CONCHO STREET from a point 190 feet north of East 21st Street northerly 162 feet, the centerline of which gas main shall be 7-1/2 feet west of, and parallel to, the east property line of said Concho Street.

Said gas main described above shall have a covering of not less than 2-1/2 feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points, When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes: None

Councilman Gillis introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes : None

The ordinance was then read the second time and Councilman Gillis moved that the rules be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes : None

The ordinance was then read the third time and Councilman Gillis moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, Acting City Manager, be, and he is hereby, authorized and directed to execute for and in behalf of the CITY OF AUSTIN a special warranty deed to S. L. Davis and wife, Willie Davis, conveying all the right, title, and interest acquired by the City of Austin to Lots 4 and 5, Block 3, Outlot 34, Division "B", located at 2108-2110 East 12th Street, Austin, Travis County, Texas, by a Sheriff's Deed under foreclosure of its tax lien on said property, for such consideration as the said Walter E. Seaholm may deem adequate and sufficient.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes : None

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, Acting City Manager, be, and he is hereby, authorized and directed to execute for and on behalf of the City of Austin a contract of sale to Will Bradshaw and wife, Joe Olive Bradshaw, of Lot 5, Block 3, Davis and Dawson Subdivision of Bouldin's Addition, in the City of Austin, Travis County, Texas, obtained by Sheriff's Deed in Cause No. 20,933 in the District Court of Travis County, Texas, for a consideration of \$355.00, payable \$50.00 cash and the balance in monthly installments of \$20.00 each; and the Acting City Manager is hereby authorized and directed to execute for and in behalf of the City of Austin a Special Warranty Deed to said Will Bradshaw and wife, Joe Olive Bradshaw, conveying the above described property upon the payment in full of said consideration, all in accordance with the terms and conditions of the contract of sale, a copy of which is attached hereto and made a part hereof for all purposes.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes : None

Councilman Alford offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, Acting City Manager, be, and he is hereby, authorized and directed to execute for and on behalf of the City of Austin a deed to Rachel Washington, conveying all of the right, title, and interest acquired by the City of Austin to the Center Forty (40) feet of Lot 8, Block 3, Outlot 38, Division "B", located at 1407 East 13th Street, acquired

by Sheriff's Deed in Cause No. 43,378, in the District Court of Travis County, Texas, and for such consideration as the said Walter E. Seaholm deems adequate and sufficient.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter E. Seaholm, Acting City Manager, be, and he is hereby, authorized and directed to execute for and on behalf of the City of Austin, a contract of sale to Vivian Korn, as her separate property and estate, Lots 18 and 19, Block 3, Glenridge Addition to the City of Austin, obtained by Sheriff's Deed in foreclosure against Joe C. Kerbey in Cause No. 48,232, in the District Court of Travis County, Texas, for a consideration of \$200.00, payable \$25.00 cash and the balance in monthly installments of \$20.00 each; and the Acting City Manager is hereby authorized and directed to execute for and in behalf of the City of Austin a Special Warranty Deed to said Vivian Korn, conveying the above described property upon payment in full of said consideration, all in accordance with the terms and conditions of the contract of sale, a copy of which is attached hereto and made a part hereof for all purposes.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
Councilman Wolf

Noes : None

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin taxes for the years 1935 through 1941 were assessed in the name of J. B. Stroburg on the following described property in the City of Austin, Travis County, Texas:

Lots 1, 2, 3, Block 8, Walsh Place;
Lots 1, 2, 3, 4, 9, 10, 11(a), O.L. 66, Div. 0, Riverview Gardens;
Lots 5, 6, 7, 8, (B), O.L. 66, Div. 0, Riverview Gardens;
Lot 12 (C), O.L. 66, Div. 0, Riverview Gardens;
Lots 1, 2, Block 6 $\frac{1}{2}$, O.L. 66, Div. 0, Bergman Valley View;
Triangular part of Lots 3 & 4, Block 6 $\frac{1}{2}$, O.L. 66, Div. 0, Bergman Valley View;
Lot 8, Block 3, Walsh Place;
Lots 1, 2, 3, 4, 5, Block 4, Walsh Place;
Lots 14, 15, 16, Block 4, Walsh Place;
Lots 9, 10, 11, 12 and W. 37' of 13, Block 5, Walsh Place;

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Lots 9, 10, Block 6, Walsh Place;
 Lots 11, 12, 13, 14, Block 6, Walsh Place;
 Lots 3, 4, 5, Block 7, Walsh Place;
 Lots 3, 4, 5, 6 & W. 36' of 2, Block 9, Walsh Place, and Personal Property;

said taxes for said years being in the amount of \$1,677.84, and for non-payment of same at maturity, penalty in the sum of \$83.89 has been assessed and interest in the amount of \$544.25 has accrued, making the total amount of taxes, penalties and interest due \$2,305.98; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$83.89 and one-half of the interest in the sum of \$272.12; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$83.89 and one-half of the interest in the sum of \$272.12 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$83.89 and said interest in the sum of \$272.12 off his rolls and to issue to the party entitled to receive same a receipt in full upon the payment of the aforesaid taxes and one-half of the interest, as aforesaid.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

Ayes : Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and
 Councilman Wolf

Noes : None

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:25 A. M., subject to call of the Mayor.

APPROVED:

Tom Miller
 MAYOR

ATTEST:

Hallie M. Miller
 CITY CLERK